IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cont. Case (Cri.) No.08 of 2006

With

W.P.(C) No.7126 of 2006

with

L.P.A.No.02 of 2007

With

Cr. M.P.No.1058 of 2007

1. K.K.Jha 'Kamal'
2. Ashok Kumar Gupta ... Contemners

Tanzeem E Sufia.....Petitioner (W.P.C no.7126 of 2006)

Tanzeem E Sufia..... .Appellant (LPA No.02 of 2007)

Court on its own motion..... Petitioner (Cr.M.P.No1058 of 2007)

Versus

1. Sri Pankaj Kumar, Additional District Judge, Vth, Giridih
2. Sri Ram Lakhan Prasad, Advocate and Govt. Pleader,Giridih
3. Md. Ayub Quaish, son of late Yakub Hussain, resident of Bhandari dih, Giridih
4. The State of Jharkhand through Chief Minister, Govt. of Jharkhand ... Respondents

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CORAM: HON'BLE MR. JUSTICE R.R. Prasad

HON'BLE Mr. Justice Prashant Kumar
HON'BLE Mr. Justice H.C.Mishra
HON'BLE Mr. Justice D.N.Upadhyay
HON'BLE Mr. Justice Aparesh Kumar Singh

For the Contemner- Petitioner: None
For the State :M/s. V.K.Prasad, SC (L&C)
and Vaibhav Kumar, J.C to A.G

11/24.06.2014. This Court having found the petitioner- contemner guilty for contempt of Court passed the following order on the point of sentence and also on the other points:

(i) The counsel contemner, Sri K.K.Jha 'Kamal' is convicted for the offence of criminal contempt and sentenced to undergo simple imprisonment for a period of six months.

(ii) The matter is referred to the Bar Council of India to take appropriate action under the Bar Council of India Act against the counsel contemner by

following the required procedure in accordance with law as he has abused his professional privileges while practicing as an advocate. The Registry is directed to send a copy of this order forthwith to the Bar Council of India.

(iii) The counsel contemner is restrained to make appearance before the Courts under this jurisdiction till he purges himself of the contempt but this order would not restrict his chamber practice as an advocate, if any.

Thereupon, Cr. Misc. petition bearing no.1058 of 2007 was filed for reviewing the order passed in the contempt petition. That was dismissed.

Being aggrieved with the order passed in the contempt application and also in Cr. Misc. Petition no.1058 of 2007, Cr. Appeal bearing no.1673 of 2007 was preferred before the Hon'ble Supreme Court. Upon hearing the contemner, operation of the order relating to sentence passed by this Court in the contempt petition was stayed on 3.12.2007. However, subsequently Cr.App.no.1673 of 2007 was dismissed on account of its non-prosecution on 31.3.2014. While dismissing the case, it has been recorded that interim order passed on 3.12.2007 is vacated. Consequently, it was ordered that the order passed by this Court be executed. That is how the matter has been posted before us.

Under the circumstances, warrant of commitment for contempt as contemplated under Rule 403 of the High Court of Jharkhand Rules,2001 be issued against the petitioner- contemner.

At the same time, a copy of the order dated 3.7.2007 passed in Cont. Case (Cri) No.8 of 2006 be sent before the Chairman, Bar Council of India for needful.

(R.R. Prasad, J.)

(Prashant Kumar , J.)

(H. C. Mishra, J.)

(D.N.Upadhyay, J.)

ND/ **(Aparesh Kumar Singh,J.)**